

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 19436 of 2004

Between:

1. Janapala Rosi Reddy, S/o. Venka Reddy, aged about 47 years, residing at D.No.26-1-118, Bakthavasthala Nagar, Nellore.
2. Devarala Hari, S/o. Rangaiah, aged 39 years, Reballa Village, Buchireddypalem Mandal, Nellore District.
3. K.Prameela, W/o. Jayarami Reddy, aged 47 yrs., resident of D.No.27/II-684, Saraswathi Nagar, Balaji Nagar, Nellore.
4. Bijjam Krishna Reddy, S/o. Anantha Reddy, aged about 43 yrs, Kothavellanti village, Nellore rural mandal, Nellore District.
5. M. Rajeswari, W/o. Malayadri, aged 47 yrs, resident of D.No.16/1940 Srinivasa Agraharam Nellore.
6. P. Shankar Rao, S/o. Veeraiah, aged about 38 yrs., resident of D.No.3/1012-2 Weavers Colony, Nellore.
7. K. Padmaja W/o Penchalaiah, aged 32 yrs., resident of D.No.3/571, Arunachalam Street, Nellore.
8. Tirumuru Supraja W/o Hariprasada Reddy, aged 36 yrs, resident of Pothireddypalem village, Kovvur Mandal, Nellore District.

..... PETITIONERS

AND

1. The District Collector, Nellore.
2. The Revenue Divisional Officer, Nellore.
3. The Mandal Revenue Officer, Nellore.

4. Vedam Raveendra Babu, S/o Ramanaiah, aged about 48 yrs., resident of Kakarlavari Street, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not granting stay of the proceedings of the Mandal Revenue Officers in issuing pattadar passbook No.J- 358301 in favour of the 4th respondent pending disposal of the representation dated 11.10.2004 as illegal, arbitrary and consequently stay of the proceedings of the Mandal Revenue Officer in issuing pattadar passbook No.J-358301 issued in favour of 4th respondent and pass such other or further orders as the Hon'ble Court deems fit and proper in the facts and circumstances of the case.

Counsel for the Petitioners: Mr. O. Manohar Reddy

Counsel for the Respondent Nos.1 to 3: G.P. for Revenue

Counsel for the Respondent No.4: Mr. P. Sreedhar Reddy

The Court made the following:

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ORAL ORDER:

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Alleging that 4th respondent is trying to interfere with their possession over the lands purchased by them from B. Subba Reddy under registered sale deeds, on the ground that the

3rd respondent i.e. Mandal Revenue Officer issued a Pattadar Pass Book in his (4th

respondent's) favour, petitioners made a representation to the 2nd respondent (Revenue Divisional Officer) on 30-09-2004. It is their case that since the 2nd respondent did not respond, they made a representation to the 1st respondent (District Collector, Nellore,) to cancel the pass book issued to the 4th respondent and that 1st respondent who had taken their representation on file, did not grant stay of the operation of the order issuing pattadar pass book in favour of the 4th respondent. It is their case that 4th respondent, taking advantage of the pattadar pass book, is interfering with their possession over the property purchased by them. They filed this writ petition to declare the action of the Mandal Revenue Officer in issuing a pattadar pass book to the 4th respondent is arbitrary.

2. The case of the 4th respondent is that the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act), have no application to the facts of this case in as much as the land in dispute, admittedly, is not an agricultural land but is a house site. It is their case when a ryotwari pass book was issued to the vendor of the petitioners on an appeal preferred by them by his order dated 28-03-2004, 2nd respondent allowed the appeal and declared that the pattadar pass book obtained by the vendor of the petitioners was a forged document, and so petitioners are not entitled to any relief in this petition.

3. From the facts stated it is clear that there is a dispute regarding title between the vendor of the petitioners and the 4th respondent. As rightly contended by the counsel for parties the provisions of the Act apply only to agricultural lands but not to house sites. Question whether the property in dispute is an agricultural land or is a house site is a question of fact. If the petitioners are aggrieved by the 4th respondent interfering with their alleged possession of the property allegedly purchased by them their remedy is by way of obtaining a relief in a Civil Court. They cannot, by invoking the jurisdiction of this Court under Art.226 of the Constitution, seek any relief from this Court that too when there is a dispute relating to title.

4. Therefore, the writ petition is dismissed. No costs.

(C.Y.Somayajulu, J.)

Date: 03.02.2005

Cvrk

To

1. The District Collector, Nellore.
2. The Revenue Divisional Officer, Nellore.
3. The Mandal Revenue Officer, Nellore.
4. 2 CCs to the Government Pleader for Revenue, High Court Buildings,
Hyderabad. (OUT)
5. 2CD copies.